L. Kristopher Rath (5749)
HUTCHINSON & STEFFEN, LLC
Peccole Professional Park
10080 Alta Drive, Suite 200
Las Vegas, Nevada 89145
krath@hutchlegal.com
(702) 385-2500
(702) 385-2086 fax

Jonathan T. Suder
Edward R. Nelson, III
FRIEDMAN, SUDER & COOKE
Tindall Square Warehouse No. 1
604 East 4th Street, Suite 200
Fort Worth, Texas 76102
nelson@fsclaw.com
(817) 334-0400
(817) 334-0401 fax

ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

1ST MEDIA LLC, Plaintiff, v. NAPSTER, INC., REALNETWORKS, INC., KSOLO, INC. and SLEP-TONE ENTERTAINMENT CORPORATION d/b/a SOUND CHOICE ACCOMPANIMENT TRACKS, Defendants.	CIVIL ACTION NO. 2:07-cv-00056-LDG-GWF **Case Management Report and Discovery Plan and Scheduling Order**

CASE MANAGEMENT REPORT AND DISCOVERY PLAN AND SCHEDULING ORDER SUBMITTED IN COMPLIANCE WITH LR 26-1(e)

Plaintiff respectfully submits the following case management report in compliance with LR 26-1(e).

Report

1. Nature of the Suit

Plaintiff's Complaint alleges infringement of United States Patent No. 5,464,946, entitled "System and Apparatus for Interactive Multimedia Entertainment." The patent was duly issued on November 17, 1995 to Dr. Scott Lewis. Plaintiff 1st Media has all rights to license and enforce the '946 patent.

2. Case Status

Plaintiff filed suit on January 16, 2007 against four separate Defendants: Napster Inc., RealNetworks Inc., kSolo, Inc., and Slep-Tone Entertainment d/b/a Sound Choice Accompaniment Tracks. As more particularly set out below, Plaintiff has resolved the lawsuit with three of the four defendants. Two of the three settling defendants have been dismissed with prejudice. The lone remaining defendant has not filed an answer or other responsive pleading.

kSolo, Inc.: Plaintiff and kSolo settled. Their license and settlement agreement was executed on April 5, 2007. This Court entered an order dismissing Plaintiff's claims against kSolo.

RealNetworks, Inc.: RealNetworks answered the lawsuit and asserted counterclaims on April 16, 2007. Plaintiff and RealNetworks subsequently settled. Their license and settlement agreement was executed on May 14, 2007. This Court entered an order dismissing Plaintiff's claims against RealNetworks and RealNetworks' counterclaims against Plaintiff.

Napster Inc.: Napster answered the lawsuit and asserted counterclaims on April 16, 2007. Plaintiff has reached a settlement agreement with Napster. The agreement is in the process of being signed, and dismissal papers are forthcoming.

Slep-Tone Entertainment: Extensions of time for Slep-Tone to answer were granted on February 12, 2007; March 20, 2007; and April 13, 2007. During this time, Plaintiff and Slep-Tone engaged in significant settlement discussions. Plaintiff and Slep-Tone achieved an agreement that Plaintiff memorialized. Prior to executing the agreement, Slep-Tone reneged, refusing to execute. At this juncture, Slep-Tone is the only defendant that remains, and its answer is past due. Slep-Tone has refused to answer the lawsuit and indicated to the Court its inability or refusal to defend itself. Plaintiff remains in contact with Slep-Tone and is attempting to revive the settlement previously reached in order that this litigation may conclude amicably. However, should Slep-Tone refuse to either formally settle or formally appear and answer the Complaint, Plaintiff intends to seek an entry of default and default judgment.

As the Court can discern, there is no active Defendant with which Plaintiff could confer regarding the matters set forth in Federal Rule of Civil Procedure 26(f). Nevertheless, Plaintiff has attempted to comply with Federal Rule 26(f) and this Court's LR 26-1(e) below.

3. **Discovery Cut-Off Date**

RealNetworks and Napster answered on April 16, 2007. Pursuant to LR 26-1(e)(1), the cut off for discovery is 180 days from April 16, 2007 which is October 13, 2007.

4. **Amending the Pleadings and Adding Parties**

Pursuant to LR 26-1(e)(2), the deadline for amending pleadings or adding parties is 90 days before the close of discovery which is July 15, 2007.

5. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts)**

Pursuant to LR 26-1(e)(3), disclosures concerning experts are due 60 days before the close of discovery which is on August 14, 2007. Disclosures regarding rebuttal experts are due 30 days later on September 13, 2007.

6. **Dispositive Motions**

Pursuant to LR 26-1(e)(4), dispositive motions are due by November 12, 2007.

7. **Pretrial Order**

Pursuant to LR 26-1(e)(5), the joint pre-trial order is due December 12, 2007.

DATED this 31st of May, 2007.

Respectfully submitted,

L. Kristopher Rath (5749)
HUTCHINSON & STEFFEN, LLC
Peccole Professional Park
10080 W. Alta Drive, Suite 200
Las Vegas, Nevada 89145
Phone: 702-385-2500
Fax: 702-385-2086

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Edward R. Nelson, III
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fax (817) 334-0401

ATTORNEYS FOR PLAINTIFF

ORDER

IT IS SO ORDERED.

GEORGE FOLEY, JR.
United States Magistrate Judge

DATED: June 1, 2007